UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/361
8 May 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 22 APRIL 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL[1]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 22 April 1997 from Mr. Tariq Aziz, the Deputy Prime Minister, containing the comments of the Iraqi side on the semi-annual report of the Special Commission submitted to the Security Council on 11 April 1997 (S/1997/301).

I should be grateful if you would have the letter of the Deputy Prime Minister circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Notes

[1] Received by the Secretariat on 8 May 1997.

Annex

Letter dated 22 April 1997 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

After careful study of the semi-annual report dated 11 April 1997 submitted by the Special Commission, I consider it necessary to clarify some of the items it dealt with, in order to avoid the inappropriate impressions which the report may give of those items, their implications and the overall picture of the current state of implementation of section C of Security Council resolution 687 (1991).

I should like to point out that we do not normally comment on the reports of the Special Commission and that our comments on this report are intended to give a clearer and more precise picture of the reality of the situation, and not to provoke a dispute with the Special Commission.

The Special Commission's report has been issued at a point marking six years since its work in Iraq began, which gives an indication as to the state and true nature of the implementation of Security Council resolution 687 (1991), particularly paragraph 22 thereof, and as to Iraq's expectations under the provisions of the resolution.

The established facts, after six years of work by the Special Commission, are as follows:

1. There are no proscribed weapons, nor components for or means to manufacture them, in Iraq. No proscribed activities are going on. The references made by the Special Commission to the possible existence of some remaining problems, although slight, are merely unconfirmed suspicions and suppositions.

2. The monitoring system has been in continuous operation since August 1994 and covers the whole country, and there are currently 333 observation posts. The report notes the number of inspections carried out by the Special Commission and the International Atomic Energy Agency (IAEA) under this system.

3. The export/import monitoring mechanism has been operational since May 1996.

4. There has been genuine and intensive cooperation with the Special Commission through:

(a) the joint programme of action of 22 June 1996; and

(b) the generous provision of human and material resources, as required, to facilitate the work of the Special Commission and IAEA.

These are, very briefly, the basic facts concerning the status of implementation of section C of Security Council resolution 687 (1991). Unfortunately, however, the report fails to present them clearly or in such a way as to do justice to Iraq's achievements. The basic facts have been subsumed

in a mass of detail and a tendency to selectivity in choosing and insisting on certain details.

We have further noted that when the report refers to problems of a practical nature, it does not deal with them in the appropriate context, thereby giving an inexact impression of the situation. The Special Commission issues pronouncements on Iraq's intentions based on mere suppositions or expectations.

We shall now proceed to deal systematically with some of the points raised in the report:

1. A fundamental concern is that the report, with no respect for the precision expected of the Special Commission, confuses past events with those occurring subsequent to the agreement on the joint programme of action of 22 June 1996. This programme praised the excellent relationship between Iraq and the Special Commission and the success of joint action in solving the problems which had arisen during the operation, making genuine progress in eliminating missiles and chemical weapons and reaching agreement on a method of work to close the biological weapons file. Such a confusion is not objective and will give Council members an erroneous picture of the situation. There is a clear contradiction in the report between the picture of earlier events conveyed by the report and the conclusions reached by the same report, which refer to progress, a positive and constructive relationship and the resolution of difficulties.

2. In paragraph 7, the report states that, since spring 1996, the Commission has carried out a series of unprecedented inspections aimed at detecting the alleged concealment mechanism and getting access to proscribed weapons and matériel, production tools and related documents. It stresses that these inspections have not revealed any proscribed items. Nevertheless, it is unfortunate that, regardless of the Iraqi Government's numerous affirmations, the most recent of which was made at the discussions held with the Chairman of the Special Commission from 3 to 5 April 1997, that there are no concealed proscribed weapons, components or capabilities and that events which took place in the past were merely isolated and exceptional actions taken by Hussein Kamal and his group, not State-directed policy, the Special Commission continues to circulate claims of alleged concealment.

3. There is a clear tendency in the report to exaggerate and inflate the role of the Special Commission and play down the role of Iraq and its cooperation in making progress. It is axiomatic that the Special Commission cannot carry out its mandate pursuant to section C of Security Council resolution 687 (1991) without the active and wide-ranging cooperation of the Iraqi side. It should be noted that hundreds of Iraqi officials of every rank have been working to meet the requirements of the Special Commission over the past six years. Further to these requirements, we have made exceptionally generous resources and facilities available in the very difficult circumstances resulting from the continuing embargo imposed on Iraq since August 1990.

4. Unfortunately, the report also neglects to mention the fundamental and effective role played by Iraq in providing the Special Commission with information and documents which have helped it to put together a clear picture

of earlier programmes. The report conveys the impression that all these developments were achieved through the efforts of the Commission's inspector, whereas the established facts show that, particularly after 1992, the majority of documents and information were obtained by the Special Commission as a result of Iraqi initiatives and cooperation with the Commission and joint action, not as a result of the inspection operation.

5. The statement made in paragraph 55 of the "Conclusions" section of the report ("requires ... Iraq's leadership...") is preposterous. It has been affirmed in all the meetings held with the Chairman of the Special Commission since August 1995, the most recent being from 3 to 5 April 1997, that Iraq does not possess and is not concealing any proscribed weapons or the components for any proscribed weapons. I have requested the Chairman of the Special Commission to confirm this assertion on behalf of the Iraqi Government and to inform the Security Council accordingly. This reference in the report is absurd and should not appear.

6. Concerning deliberate concealment, it is perfectly clear from closely reading the report itself that the degree of obscurity and the number of areas that are unclear to the Special Commission in the weapons files have been steadily decreasing since work began in accordance with the programme of action of 22 June 1996. This much is clear from the conclusion of the report, particularly in regard to missile and chemical activities, thereby indicating that the approach of joint action and professionalism is the correct one for arriving at the facts and consequently closing the files in accordance with the requirements of section C of Security Council resolution 687 (1991), as opposed to the approach of making accusations and assumptions which are unsubstantiated by concrete evidence. In this connection, we are struck by paragraph 55 (in the "Conclusions" section), which refers unspecifically to "remaining problems". Its portrayal of these problems, however, as being such that they cannot be solved through a technical process only and as requiring a major political solution is incorrect and contradicts the conclusion drawn in paragraph 46 that not much is unknown about Iraq's proscribed capabilities. In our estimation, this conclusion is based on the assumptions contained in paragraph 47 and on political allegations hostile to Iraq.

7. In paragraph 53, we find that the Special Commission has, without legal basis, begun to interpret the requirements of paragraph 22 in a manner contrary to the provisions of Security Council resolution 687 (1991), which are strictly connected with Iraq's fulfilment of its obligations, having indicated that it would not be able to report under that paragraph in view of the fact that third States have failed to provide the Commission with information for verification purposes.

8. We categorically refute the content of paragraph 26, to the effect that the last six months have seen a pattern of efforts to restrict monitoring activities. In this connection, our position is strengthened and that allegation contradicted by the tremendous number of monitoring activities in the chemical field (referred to in para. 20 of the appendix), amounting to 550 inspections, and in the field of missiles (para. 34 of the appendix), amounting to 250 inspections during this period. In addition, 86 sites are under regular monitoring by the Commission's resident biological teams at the Baghdad

Monitoring and Verification Centre (para. 9). Neither should we forget to mention the intensive activities of the export/import monitoring group, which are continuing normally (paras. 34, 35 and 36).

9. We cannot but express our disquiet over the accusation in paragraph 27 that the National Monitoring Directorate has manipulated the monitoring declarations presented by facilities, so that they are misleading. We note that the accusation is made in a general fashion and avoids any mention of the number of instances and their proportion in relation to the number of monitoring operations conducted during the previous period. The fact is that this reference concerns one or two instances which occurred as a result of a typographical error or a lack of understanding on the part of certain workers at the sites included in the monitoring of the procedures of the National Monitoring Directorate. We would also point out that it is impossible in a short time to make a full inventory of the dual-use equipment in the country, particularly if taking into account those pieces of such equipment which are spent or inoperational.

10. Paragraph 31 of the report discusses the Chilean helicopter flight operations and the problems which arose. While we acknowledge that these problems did actually occur, they did so on no more than three occasions in the course of over 1,000 flight hours of the said Chilean crew, bearing in mind that the Special Commission has been carrying out aerial reconnaissance using helicopters since 1992 and that only a few problems have been recorded in five years. Iraq is at pains to ensure the safety and security of the helicopter flights of the Special Commission. At the regular meeting, these problems were discussed constructively and both parties arrived at solutions to them, even though we also had certain comments to make. The Chairman of the Special Commission expressed sympathy with those comments and the difficulties were resolved during the meeting by means of proposals made by the Iraqi side. We are therefore surprised that these incidents are discussed in a provocative manner in the report and treated as if they were intended to restrict the activities of the Special Commission.

11. Paragraph 27 of the report refers to the discovery of several hundred pieces of dual-use equipment. In explanation, we can state that this equipment exists in various hospitals and universities and was not declared by the persons concerned in those establishments, as they did not think that they were required to do so. This is because they did not have an accurate grasp of the monitoring plan and of the equipment which it included, particularly since, during the most recent period, the Special Commission issued an amended copy of the technical appendices to the monitoring plan annexed to Security Council resolution 715 (1991). It should be pointed out that this equipment was not found in any factory or production facility.

12. We note with concern the linkage made between the absence of some documentation connected with the later phase of the chemical weapons programme (para. 17 of the appendix) and the effectiveness of the monitoring regime. This linkage is not objective and can have no practical justification. Paragraph 18 of the appendix confirms that an unfavourable analysis of intent has already been made, the Special Commission having concluded that the retention of documentation concerning the production of toxic chemical agents and commercial

contracts for the chemical weapons programme is for the purpose of resuming proscribed production. The Iraqi side has surrendered to the Special Commission the documentation concealed by Hussein Kamil prior to August 1995 and has no hidden documentation in its possession. Such reasoning also neglects the facts relating to proscribed production, in the sense that the capabilities, raw materials and equipment must be available in order for production to take place that a rigorous and comprehensive monitoring regime is also in place. Concerning the overall question of documentation, it has been asserted on several occasions to the Chairman of the Special Commission that the supply and surrender of documentation to the Special Commission serves Iraq's objective of having the files closed. Iraq cannot therefore desist from furnishing the Commission with the available documentation, as to do so would not be in its interest.

13. Paragraph 16 of the report refers to other dual-use equipment. This equipment is known to the Special Commission and was not concealed from it; indeed, the types and numbers of such equipment have been specified at its request. Similarly, the number and type of all pieces of analytical equipment have been declared, this being general equipment used in laboratories, factories and universities that is subject to monitoring by the Special Commission.

14. We draw attention to the significance of paragraph 46, which states that the accumulated effect of the work accomplished over the past six years is such that not much is unknown about Iraq's retained proscribed weapons capabilities. It is striking, therefore, that it is this unknown element that is overstated, in paragraph 47, on the basis of a scenario of unrealistic theories and assumptions that could not be further from the truth. Iraq's decision to relinquish weapons of mass destruction and ensure that it does not possess them in the future is clear cut.

(Signed) Tariq AZIZ
Deputy Prime Minister